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Atty. Docket No.: P65391US0

REMARKS

This Amendment is being filed concurrently with a Request for Continued Examination (RCE).

In response to the Final Office Action mailed February 12, 2004, Applicant filed an Amendment Under Rule 1.116 on May 7, 2004 (the "Rule 1.116 Amendment"). In the Examiner's Advisory Action mailed June 30, 2004, the Examiner refused to enter Applicant's Rule 1.116 Amendment, stating that new issues requiring further consideration were raised thereby. The Examiner also stated that Applicant's use of "said interlocking HTTP protocol" in claims 12 and 21 did not have clear antecedent basis and that Applicant was advised to be mindful of this observation. Accordingly, Applicant has herein presented this Amendment as a submission with the RCE, raising the same substantive issues presented in the Rule 1.116 Amendment while clarifying those matters previously observed to lack antecedent basis. Entry of the present Amendment, in lieu of the Rule 1.116 Amendment, is therefore requested.

By this Amendment, claim 13 has been canceled without prejudice or disclaimer, claims 12, 18 and 21 have been amended, and new claim 29 has been added. Accordingly, claims 12 and 14-29 are pending in the application. In view of the above

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amendments and the following remarks, favorable reconsideration of this application is respectfully requested.

The Examiner rejected claim 12 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,144,991 to England, and rejected claims 13-28 under 35 U.S.C. 103(a) as being unpatentable over England in view of U.S. Patent No. 6,023,698 to Lavey, Jr. et al. ("Lavey").

As set forth in independent claims 12 and 21, the present invention is directed to a multimedia direct communication system in which a client application program stored on a client personal computer (PC) *interlocks with HTTP protocol* and communicates *through the interlocked HTTP protocol* with web server-integrated applications to display information received from one or more of such applications simultaneously. At the same time, the client PC can also process electronic message information ("chat"), also using the interlocked HTTP protocol.

The claimed interlocking of HTTP protocol embedded in the client PC and the HTTP telecommunication program connected thereto is a significant advantage over the prior art as it eliminates the previously required need for special protocols and equipment. Specifically, the "fundamental serious drawback" of the conventional systems is the requirement of such systems for a "special server through special protocol specialized in

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communication instead of HTTP protocol with WEB server" (see page 4, first full paragraph).

In contrast to the known systems which use "special protocol other than HTTP" (page 9, fourth full paragraph), the present invention is a multimedia type telecommunication tool "integrally controlled by HTTP" (page 9, third full paragraph). HTTP at the client side is *interlocked with HTTP* of the web applications (page 5, first and fourth full paragraphs) so that the transfer of both communication messages and multimedia information is controlled by HTTP (page 10, third paragraph). Further, this interlocking HTTP communication is completed without activating any browser software that may be resident on the client computer, so that only HTTP is needed to enable the application program to regularly and automatically access external web application data. This is not shown or suggested by the prior art.

The Examiner acknowledged that England does not show an application program communicating with a web server through HTTP without activating any browser software. However, in viewing the teaching of Lavey, the Examiner concluded that it would have been obvious to modify the browser-based system of England with the TRUE/IP protocol of Lavey to obtain the present invention.

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Applicant must disagree and respectfully requests reconsideration of this conclusion.

England is a browser-based system which is fundamentally built upon the use of a conventional browser for communication between clients and guides in a *browser-based* telecommunications network (see, e.g., column 7, line 60 to column 8, line 65, and the repeated references to the use of a "conventional browser" and the intended environment of use being within a "browser-based telecommunications network"). Without the conventional browser, as well as the use of the same underlying conventional browser by both the guide and client portions, the system taught by England cannot function properly (column 13, lines 13-15).

Lavey is directed to a system and method for retrieving information from an online database in a manner that is transparent to the user and which is not limited to a particular Internet service provider (ISP). The system relies upon a special interface protocol known as TRUE/IP (Transparent Registration, Update and Exchange Internet Protocol), through which a client/server application accesses an online server site over the Internet. Because the TRUE/IP protocol supports a number of other IP-based protocols, use of the TRUE/IP protocol allows information to be gathered from ISPs having different

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Internet protocols without the need to distribute new software. However, Lavey is clearly built upon a specialized protocol and does not teach an interlocking HTTP protocol system such as that claimed by the present invention.

Nor does the prior art suggest any benefit to modifying England with the specialized TRUE/IP protocol of Lavey. As already noted, England is a *browser-based* system. It would appear that the use of a conventional browser is considered an important advantage for the purposes of England, providing access to virtually anyone with Internet access through the use of existing software implementations that are widely known and used. To replace the conventional browser, when it is so clearly central to the England system, with a hybrid application such as the TRUE/IP protocol of Lavey, goes well beyond what is suggested by the teaching of either reference and would dramatically alter the functioning of England as disclosed.

Furthermore, Lavey does not support multimedia transfer of data and there is no suggestion in the prior art as to how England would be effectively modified with the TRUE/IP protocol in order to retain the original multimedia functionality to which England is directed.

Additionally, neither of these references teach or suggest the use of interlocking HTTP as the only communication

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protocol. The TRUE/IP protocol of Lavey, while able to support HTTP, is still a separate protocol and there are situations in which a particular ISP is not supported by the TRUE/IP protocol and cannot be accessed without manual intervention by the user to first establish a connection, after which HTTP communications are possible (see column 10, lines 37-46). Hence, the Lavey system *does not rely upon an interlocking HTTP connection* between the client and the web server as claimed by the present invention. Accordingly, Applicant requests that the Examiner give full weight and consideration to the use of and reliance upon the interlocking HTTP protocol in the claimed invention.

Finally, it would not be obvious to modify England to use HTTP because such modification would degrade the chat quality, taking it from real time to semi-real-time. Such a concession in performance goes against the teaching of England which highlights the significance of realizing *real-time* program execution for dynamic information generation and display (see column 4, lines 56-62; column 7, lines 6-21).

For at least the foregoing reasons, claims 12 and 21 are patentable over the prior art. Claims 14-20 and 22-28 are also patentable as claims properly dependent on an allowable base claim and for the subject matter contained therein as already discussed.

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New claim 29 is also in condition for allowance for at least the same reasons as already discussed in connection with claims 12 and 21. Furthermore, the full combination of components set forth in claim 29 is clearly beyond the fair scope of teaching of the prior art references. In addition, the limitations substantially corresponding to the subject matter of claims 12, 14-17, 19 and 20, there is no issue of new matter raised thereby. Favorable consideration and allowance of claim 29 is also requested.

With this amendment and the foregoing remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any questions or comments, the Examiner is cordially invited to telephone the undersigned attorney so that the present application can receive an early Notice of Allowance.

Respectfully submitted,

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